

Remarks

Status of the Claims

Claims 1-20 are pending in the application. Each of the pending claims stands rejected. By this paper, claims 11 and 16 have been amended to more particularly point out the subject matter Applicant believes it is entitled to claim. For at least the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for immediate allowance. Reconsideration of all pending claims is therefore respectfully requested.

Claim Rejections

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,711,552 issued to Kay et al. ("Kay") in view of U.S. Patent No. 6,282,713 issued to Kitsukawa et al. ("Kitsukawa"). As set forth below, Applicant respectfully traverses these claim rejections and submits that each of the pending claims is patentably distinct from the cited prior art.

The cited prior art fails to teach or suggest repeatedly storing and retrieving transaction information to permit actions associated with portions of the transaction to be completed in between one or more portions of a broadcast segment.

The Examiner appears to have conceded that Kay fails to teach or suggest the limitation recited in each of the pending independent claims—claims 1, 6, 11, and 16—of repeatedly storing and retrieving transaction information to permit actions associated with portions of the transaction to be completed in between one or more portions of a broadcast segment. The Examiner has instead relied

on Kitsukawa for meeting this limitation. Kitsukawa, however, not only fails to provide the disclosure needed to meet this limitation, but in fact **teaches away** from it.

Kitsukawa discloses recalling and viewing advertisements at times subsequent to the showing of a scene corresponding to the stored advertisements. See, e.g., col. 7, lines 4-6; col. 7, lines 49-52; col. 8, lines 11-13. There is no disclosure in Kitsukawa, however, regarding storing and/or retrieving information **relating to a transaction in order to achieve deferral of the transaction**. In fact, Kitsukawa does not disclose initiating or conducting—let alone deferring—a transaction at all.

More importantly, Kitsukawa teaches away from providing the disclosure necessary to supplement Kay. As mentioned above, Kitsukawa teaches deferring advertisements, not transactions. A person who has deferred the viewing of an advertisement as taught by Kitsukawa would not be motivated to instead defer a transaction relating to the advertisement. To the contrary, presumably one who has deferred viewing an advertisement has not yet been persuaded to initiate a transaction to make a purchase. Otherwise, there would be no need for further viewing of the advertisement. In other words, to the extent a person needs additional information before deciding whether to make a purchase, and therefore defers viewing of an advertisement, the timing and/or interval spacing of a transaction that may (or may not) ultimately occur as a result of further viewing of the advertisement would not be of immediate concern. Providing disclosure relating to deferral of an advertisement therefore wholly fails to provide motivation to defer a transaction.

Finally, even if subsequently viewing an advertisement is somehow analogous to deferring a transaction, there is no conceivable way that such deferred viewing satisfies the step of:

repeatedly storing and retrieving information associated with **the** transaction in response to receipt of the first and second commands, respectively, **permitting the actions associated with the portions of the transaction to be completed at different intervals between which at least a portion of the broadcast segment is provided until the transaction is completed.**

At best, Kitsukawa teaches that a user stores and retrieves information related to the alleged "transaction" (advertisement) a single time. Kitsukawa does not teach or suggest that a user retrieves an advertisement and subsequently stores the advertisement again. Even if it did, Kitsukawa does not disclose the claimed cycle of "permitting the actions associated with the portions of the transaction to be completed at different intervals between which at least a portion of the broadcast segment is provided until the transaction is completed." In essence, the claimed invention allows the transaction to be broken into several segments, each of which is interrupted by a portion of the broadcast segment. Kitsukawa does not disclose or even hint at such feature.

The cited prior art also fails to teach or suggest providing content related to the broadcast segment upon resuming the transaction.

Independent claims 1 and 6 both recite providing "**content related to the broadcast segment**" in response to the second user command. Although the Examiner did not explicitly point out where this limitation is met in either of the cited

references, it was recited incidentally in connection with the discussion of Kay. However, Kay fails to provide the teachings necessary to meet this limitation.

Kay discloses a system for purchasing products that allows a user to save particular products of interest in a personalized "favorites" list. However, upon retrieving the favorites list, the Kay system provides only product information. No content related to the broadcast segment(s) associated with the product(s) is provided in the favorites list. As stated in Applicant's specification, providing content information related to the broadcast segment which facilitated the transaction may increase the likelihood of consummating/completing the transaction. Kay provides no such content to the user to, for example, jog the user's memory regarding the broadcast segment and thereby increase the likelihood of the transaction being completed.

The cited prior art further fails to teach or suggest receiving and storing supplemental information, and then retrieving the supplemental information for viewing by a user who has resumed a deferred transaction.

Independent claims 11 and 16 both recite **receiving supplemental information** as part of a broadcast segment, **storing at least a portion of the supplemental information** in response to a first user command, and **retrieving at least some of the stored supplemental information** for viewing by the user. The Examiner rejected these claims generally on the same basis as claims 1 and 6. However, the above-referenced limitations are not found in claims 1 or 6, nor can they be found in either of the cited prior art references. These limitations therefore

provide another basis upon which claims 11 and 16 can be distinguished from the cited prior art.

As previously mentioned, Kay discloses providing a "favorites" list, into which a user can save one or more products for retrieval at a later time. However, Kay fails to disclose retrieving any supplemental information along with the products upon retrieving the list.

Kitsukawa discloses deferring advertisements, but fails to disclose receiving, storing, and retrieving supplemental information in the context of a deferred transaction. Moreover, as discussed above, Kitsukawa is not properly combinable with Kay, at least because the context in which advertisements are deferred is very different from the context in which transactions are deferred, and the former would not provide motivation or suggestion in favor of the latter.

Conclusion

In light of the preceding remarks, Applicant respectfully submits that each of the pending claims is patentably distinct over the cited references, alone or in combination. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By



Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999